REMARKS

The Office Action mailed August 26, 2005 has been reviewed and carefully considered. Claims 1 and 3-2 remain pending, of which the independent claims remain 1, 7, 10 and 20. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 7, 10 and 20 are objected for informalities, which are now addressed to put the claims in better form for appeal. Support for the amendment of claims 7 and 20 is found in the second clause in the preamble of original claim 1.

Nevertheless, some of the points of objection are not applicable to the instant claims.

The phrase "said network switch" is cited by the Office Action regarding each of the four claims. However, the applicant submits that proper antecedent basis exists, for reasons provided in the just-prior appeal brief. The same holds for the phrase "said access node" in claim 20.

Likewise, the idea that "a plurality of widgets" does not provide antecedent basis in the claim for "the plural widgets" is a proposition that cannot be sustained.

Claims 1 and 3-20 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,619,500 to Hiekali in view of U.S. Patent No. 5,910,954 to Bronstein et al. ("Bronstein") and U.S. Patent No. 5,426,636 to Hiller et al. ("Hiller").

Firstly, claim 1 recites, ". . . said network control elements each including a network control switch and a plurality of channel cluster modules, wherein the channel

cluster modules are each arranged for transmitting downstream signals on one, respective carrier frequency. . ."

Hiekali fails to disclose or suggest this feature of claim 1.

Instead, each Hiekali user transmits on one or more T1 channels. Perhaps the Office Action envisions that each Hiekali user transmits "on one, respective carrier frequency. . .," or that such a configuration would have been obvious. The Office cites to passages in Hiekali, but the applicant is unable to find an explanation in the cited passages.

Secondly, claim 1 also recites, ". . . wherein the access node switch controls all of the network specific switching without having to know a carrier frequency allocated to a terminal coupled to a sub-network."

Item 8 of the Office Action acknowledges that Hiekali and Bronstein, alone or in combination, fail to disclose the immediately-above-quoted aspect of claim 1. Item 8 then suggests that Hiller makes up the difference, and cites to passages in Hiller. However, the applicant sees no disclosure or suggestion of this aspect of claim 1.

Thirdly, there is no apparent motivation for making the proposed Hiekali/Bronstein combination, let alone the Hiekali/Bronstein/Hiller combination.

While Hiekali is designed for efficiency (col. 4, line 21(22): "utilizes the unused channels"), high-speed (col. 2, line 10: "high speed") operation, utilization of off-the-shelf (col. 8, line 8: "off the shelf"), standard components and reduction of cost through simplicity (col. 8, lines 4-5), Bronstein is designed for flexible reconfiguration of routing paths at the cost of added complexity and overhead (col. 4, line 40" "LAN

emulation header"; col. 5, line 37: "arbiter"; col.. 6, line 14: "bridging and aging"; col. 8, lines 30-38).

Notably, the Bronstein network switch 10 shares a significant amount of common functionality with Hiekali SIMs and NIMs, and therefore cannot merely be tacked on as a front-end or back-end to the Hiekali ATM gateway. Accordingly, it is unclear how the two references would be integrated to achieve a practical embodiment, and, if integrated, how the resulting combination would not change the principle of operation of the primary reference. Since the proposed modification would change the principle of operation of the primary reference, the combination is non-obvious.

For at least all of the above reasons, the proposed combination of prior art would not have been obvious, and, moreover, would not meet all of the limitations of the invention as recited in claim1.

Claim 7 recites the same above-quoted aspects and is likewise deemed to be non-obvious over the cited references.

As to claim 10, it recites, ". . . said access node being configured to direct a signal from said network switch to a terminal of the plural terminals intended as a destination such that said network switch is relieved of knowing details of an access network that said network switch would otherwise need for directing said signal to the intended destination terminal." Accordingly, the second point made above with regard to claim 1 applies to claim 10. The third point also applies to claim 10.

Claim 20 is a method claim based on apparatus claim 10, and is deemed patentable over the applied references for at least the same reasons set forth above with regard to claim 10.

As to the other rejected claims, each depends from a base claim and is deemed to be patentable at least due to its dependency.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

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By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)

(Signature and Date)